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THIRTY BURNED TO DEATH.

Colombian Steamer Montoya Destroyed—Ex-Minister Lost.

PANAMA, Sept. 28.—The Colombian transport line steamer Montoya was burned on Magdalena river a week ago and thirty passengers perished in the flames. General Julio Rengifo, at one time Secretary of the Treasury in Colombia and again Minister to Ecuador, was among the number burned to death. One woman also perished in the fire.

According to advices received here today on the steamer Lafayette, the steamer Montoya left Honda, which is high up the river, on September 17. Fire broke out late at night after most of the passengers had retired. The fire started in the storeroom and burned with a rush. The passengers were quickly roused and heroic efforts were made to save all.

There were several military officers aboard, and they joined in the rescue work. The flames spread speedily, however, and but twenty out of fifty passengers were saved. Several of the thirty lost were drowned, but the majority were burned to death. Scenes on the deck of the burning ship were most painful. The only American aboard was Mr. Whitekin, an engineer of Philadelphia, and he was saved. The ship carried a valuable cargo and \$300,000 in treasure, and will be a total loss.

The best every-day drink is whiskey and water, and the best brand of whiskey is Jesse Moore "A.A."

ATTY. GENERAL

Differs With the Supreme Court of Hawaiian Islands.

ON THE REGISTRY OF VESSELS

Language and Spirit of Annexation Resolution Did Away With Hawaiian Nationality.

Following is the full text of the opinion rendered by John W. Griggs, Attorney General of the United States, to the Secretary of the Treasury on the question of registering vessels under the Hawaiian flag, and on which President McKinley's last Hawaiian proclamation, printed in the "By Authority" column, is based:

Department of Justice, Washington, D. C., September 12, 1899. The Secretary of the Treasury, Sir: Your letters of August 5 and 9, with their enclosures, relative to the issuance of Hawaiian registers to vessels, are at hand.

The decision of the Supreme Court of the Hawaiian Islands, a copy of which you send, determines, in relation to applications for writ of mandamus to compel the issuance of Hawaiian registers to certain vessels, that the Hawaiian registry laws are a part of the municipal legislation of those islands remaining in force by the terms of the resolution of annexation, and that Congress manifested no particular intention to abrogate the Hawaiian registration laws immediately upon annexation, but manifested a general intention to continue those laws. The said applications were, however, by this opinion denied upon other grounds but the cases have reopened for the determination of a certain question of fact not material to the present inquiry. Nevertheless, the question of law now before us was definitely ruled by that opinion, and since the Treasury Department has taken the ground that vessels should not be authorized to receive Hawaiian registers and fly the Hawaiian flag after July 7, 1898, you suggest that the only remedy for the situation is an Executive order suspending the issuance of Hawaiian registers, as a recent Executive order suspended the holding of a general election in the Islands provided for under the Hawaiian Constitution; and you request my opinion as to the legality of such an order of the President.

Under these circumstances, therefore, the question is fairly a legal question and one arising in the administration of your department. It is obviously a question of high importance and demands careful consideration from the legal standpoint as well as from the standpoint of wise governmental policy.

The decision of the Supreme Court of Hawaii is based upon the view of Chancellor Kent (3 Com., page 149), who says, "The registry is not a document required by the law of nations as expressive of a ship's national character. The registry acts are to be construed as forms of local or municipal institutions for purposes of public policy." But it is evident that while Chancellor Kent finds the source of registration in municipal law and not in the law of nations, the character of registration as a governmental act is national, and expresses sovereignty. The issuance of registry to vessels entitling them to carry national colors is an act of sovereignty, although the register itself is not a document required by the law of nations as indicative of a ship's national character; for this can be shown in other ways, as, for instance, by a consular certificate attached to the bill of sale of a vessel to an American citizen. This is evidence of a national character and entitles the vessel under the consular regulations to the protection of the flag. Sea letters are also at times evidence of the national character of a vessel, and a bill of sale also is such evidence. Chancellor Kent himself says, as Chief Justice of the Supreme Court of New York, in the case of Barker vs. Phoenix Insurance Company (8 Johns., 307, 319), referring to two kinds of American vessels, the one registered and the other unregistered and carrying a sea letter or an official certificate of ownership, "But in reference to the law of nations and to security upon the high seas both species of vessels were equally entitled to protection as American property."

While thus there are other documents which impress national character upon a vessel, the register is the usual and most complete evidence of such character, and the fullest character of the rights dependent thereon.

It is to be noted in passing that the Hawaiian register is, by the terms of the Hawaiian law, even more clearly an international document than the American register (Secs. 1000-1003,

Civil Laws of the Hawaiian Islands, 1897, c. 63, Registry of Foreign Vessels, p. 412).

Beyond question a vessel's register announces nationality, and registration laws, though municipal in origin, or even in character (in the terminology of classification of different branches of the law), assert necessarily and before anything else the sovereignty of the government by which they are enacted and enforced. Therefore Chancellor Kent's statement in the Commentaries, SUPRA, is to be taken as meaning that the law of nations recognizes various ways of holding out a ship's national character, and does not require the peculiar form known as a register, but it is not to be taken as meaning that registration is a matter merely of local law, and does not affect, or is not affected by, matters beyond the local domain.

Now, the joint resolution of Congress for the annexation of the Hawaiian Islands provides generally that "the municipal legislation of the Islands . . . not inconsistent with this joint resolution . . . shall remain in force until the Congress of the United States shall otherwise determine." The words of the resolution necessarily require the extinction of Hawaiian NATIONALITY and SOVEREIGNTY—the two very things, above all others, which the register of a vessel expresses.

In my opinion, therefore, the Hawaiian authorities cannot in any way certify to the Hawaiian charter of a vessel for the Hawaiian national character can no longer be attributed to vessels owned by inhabitants of the Islands. Under the law of nations, vessels bearing any form of certificate of Hawaiian national character at the time of annexation must look to the United States for protection on the high seas and in foreign ports. Their NATIONAL character has become American.

It is not necessary now to consider what all the consequences of this view may be and what form of certificate of American national character may properly be issued to vessels belonging to Hawaiians, pending Congressional action, although there appears to be authority under the consular regulations for giving such vessels the protection of our flag.

With due respect to the judgments of the Supreme Court of Hawaii, I am unable to admit that a Hawaiian registry can now be issued to a vessel and the flag of Hawaii, the usual token of registration, be flown by her; for, although the Hawaiian registry law is conceded to be a municipal law (in its origin, but by no means MERELY a municipal law in its field of operation and effects), its application since annexation is totally inconsistent with that portion of the resolution by which the Hawaiian Government ceded absolutely and without reservation all rights of sovereignty of whatsoever kind to the United States. By the very language of the resolution municipal legislation inconsistent with the resolution shall not remain in force, and upon these views I am constrained to hold that the registration laws of Hawaii have been abrogated as a necessary consequence of annexation.

It therefore follows that in my opinion an order of the Executive suspending the issuance of Hawaiian registers would be a legal exercise of power under the resolution of Congress for the annexation of Hawaii.

Very respectfully,
(Signed) JOHN W. GRIGGS,
Attorney General.

ANOTHER STEAMER LINE.

MEXICO CITY, Sept. 26.—It is persistently rumored that C. P. Huntington will push the construction of the Mexican International road from Durango to Mazatlan and put on a line of steamships from that port to Honolulu, which would greatly shorten the distance between Atlantic coast cities and Hawaii. The Mexico Pacific and Cuernavaca railroad is probably to be pushed on to Zihuatanejo on the Pacific Coast, where there is an admirable harbor, which is described in the United States Hydrographic survey reports. The State of Guerrero, which the road has opened up, proves to be even richer in minerals than had been supposed, abounding in gold and other deposits, including excellent coal. Many Americans are taking up properties in that State.

THE RIO AT PORTLAND.

PORTLAND (Or.), Sept. 26.—The United States transport Rio de Janeiro arrived this evening from San Francisco, and it is understood she will sail next Tuesday for Manila with two battalions of the Thirty-fifth Infantry.

A foreign steamer is off port as we go to press. This is probably the transport Glenogle, scheduled to leave San Francisco on the 1st instant.

BOERS AWAITING

Summons from Krueger to Declare War on Great Britain.

THE BRITISH ULTIMATUM SENT

Feeling Now Is That Nothing Short of a Miracle Can Avert the Long Expected War.

THE ULTIMATUM.

NEW YORK, Sept. 29.—A cable to the World from London, dated September 28, Saturday, 3 a. m., says: The World correspondent obtained tonight from a high Ministerial source the following authentic facts concerning today's fateful meeting of the British Cabinet:

When the Ministers assembled they were already in possession of a draft of Colonial Secretary Chamberlain's proposed ultimatum to the Boer republic. The terms of settlement laid down are:

First—The substitution of the articles of the Pretoria convention of 1881 for those of the London convention of 1884, respecting the Boer republic's relations with foreign powers. This substitution means the abolition of all right on the part of the republic to deal with foreign powers, and would imply the recall of Leyds as Boer Commissioner in Europe.

Second—The abolition of all legislation respecting aliens adopted by the republic since 1881.

Third—The granting of municipal autonomy to the Rand. This would give control of all local affairs to the district mainly inhabited by the Uitlander population. It is a revival of the scheme of home rule for the Rand suggested by Chamberlain to Krueger after the Jameson raid and contemptuously refused by Krueger.

Fourth—The removal of all religious disabilities. At present Catholics and Hebrews are disqualified from holding many offices, even of the most unimportant kind.

Fifth—The disarmament of the two great forts which command Johannesburg.

Sixth—The republic is called upon to renounce its treaty of 1872 with Portugal, under which it is empowered to import arms and ammunition from Delagoa bay through Portuguese territory.

Seventh—Indemnity is demanded for Britain's outlay in sending out troops and other military preparations.

This may be accepted as an accurate synopsis of the British proposals. They were adopted by the Cabinet, but no dispatch was forwarded to Pretoria last night, and a further Cabinet meeting has been called for Tuesday. The Ministers were much surprised that Krueger had not sent any reply to their dispatch of last Friday, but he seems to have delayed deliberately in order to embarrass his enemies. It is expected today.

JOHANNESBURG, Sept. 29.—There is a great excitement in consequence of orders to the commanders to take the field. Part of the Johannesburg corps will assemble today. Dispatch riders have gone to the front.

LONDON, Sept. 29.—The correspondent of the Morning Post at Johannesburg sends the following: A Government official who has just returned from Pretoria, where he saw President Krueger, assures me that martial law will be proclaimed tomorrow (Saturday) or Monday next.

The Daily Mail publishes the following dispatch from Charlestown, Natal: "Commander-General Joubert and his staff have arrived at Wakkerstroom Nek, where 300 Boers are already assembled with artillery. A force of burghers was stationed today about two miles from the Natal border."

Drift on the Buffalo river, where the Boers are reported to be laagered. The greatest enthusiasm prevails.

The second movement of troops from Ladysmith to Dundee was carefully concealed and expeditiously carried out. The townspeople only knew of the maneuver by the presence of the troops. It is stated here that the burghers have requested permission either to return to their farms or raid Natal.

A telegram from Volksrust says that it is reported that the Boers intend to take up a position at Schinons Hoof, falling back on Laing's Nek if forced to do so.

LONDON, Sept. 29.—Indications this evening lead to the belief that, in view of the Cabinet message, the Boers will probably commit an overt act which will bring on hostilities before the assembling of Parliament. All the latest dispatches from the Transvaal show the liveliest activity on the part of the burghers. Telegrams from Pretoria announce that artillery is being rapidly loaded at the station for the front, and that military trains have preference on all lines. The Cape mail is delayed in consequence of the large amount of rolling stock reserved for the forces.

A large number of burghers left yesterday for the Natal border, and another for Middleburg. Detachments of cyclists are being distributed among the different commanders. It is understood that the first contingent of the Pretoria force will leave for the eastern border tomorrow.

Commanding-General Joubert yesterday addressed a crowd of burghers at the Pretoria station. His remarks were loudly cheered. The officers of the German corps left for the front today and the Hollander's corps paraded in the principal square of Pretoria and saluted President Krueger.

The Boers are concentrating in the country contiguous to Natal, where the first outbreak of hostilities is likely to occur. Large contingents of burghers are converging from all parts on this probable battlefield. The excitement continues at fever heat. The Commandant-General has issued a notice calling the commanders to assemble at a specified spot on the Natal border. The commanders from Krugerders, whose burghers checked the Jameson raiders, will embark on trains for the frontier tonight.

There is great activity at the War Office at Pretoria. The artillery reserves have been called out, the arrangements to defend the frontier are now complete, and the work of equipment is proceeding rapidly. The burghers are congregating in the towns, ready to join their commands, which, however, have strict orders not to approach too near the frontier, and to avoid a collision with the British forces. The Boer forces are gathering at their bases of action a short distance from the border, such as Harrismith, Volksrust, Vryheid and Bredaersdorp.

A telegram, received today says two batteries of field artillery and 500 burghers have started for Volksrust and that another 500 men go there today. The streets at Pretoria present a scene of great military animation. Armed burghers and artillerymen are riding about, the field cornets being engaged in warning the burghers to be in readiness at a moment's notice.

A quantity of ammunition for Maxim guns is reported to have arrived at Harrismith, and the burghers at Bredaersdorp are practicing with the Maxim gun. A number of young Boers who have been studying at Cape Town have started for home. The Volksraad, in secret session, has passed a high treason bill, providing for the confiscation of the property of burghers who refuse service. The proposal was submitted to make the confiscation retroactive, so as to include certain millionaires, but it was rejected.

A dispatch from Johannesburg reports a meeting of the wholesale and retail merchants there to consider the steps to be taken for the protection of their town. The chairman said he had been informed that the Government did not intend to expel the British subjects in the event of war. A resolution was passed in favor of forming a guard composed of merchants, property-owners and others and empowering a committee to procure funds to carry on the municipal government.

From Bloemfontein, Orange Free State, it is said on reliable authority that at a secret session the Raad had